

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

United States of America <i>ex rel.</i>	:	Civil Action No. 1:15cv555
Brandee White et al.	:	
	:	
<i>Plaintiffs,</i>	:	Judge Susan J. Dlott
	:	
v.	:	Magistrate Judge Karen L. Litkovitz
	:	
Mobile Care EMS & Transport, Inc., et al:	:	
	:	
<i>Defendants.</i>	:	
_____	:	

**RELATORS' JOINT MEMORANDUM IN OPPOSITION TO
DEFENDANT LOGISTICARE SOLUTIONS LLC'S
MOTION TO DISMISS RELATOR'S AMENDED COMPLAINT (Doc. 50) and
MOBILE CARE DEFENDANTS' MOTION TO DISMISS RELATORS' FIRST
AMENDED COMPLAINT (Doc. 52)**

Pursuant to Federal Rule of Civil Procedure 15(a)(1)(B), Relators are entitled to amend their complaint as a matter of course within 21 days after a defendant serves a Motion to Dismiss. Defendant LogistiCare Solutions, LLC's Motion to Dismiss Relators' Amended Complaint was served on Relators on April 22, 2019. Motion to Dismiss, Doc. 50 at PAGEID 354. The Mobile Care Defendants' Motion to Dismiss Relators' First Amended Complaint was served on Relators on April 30, 2019. Doc. 52 at PAGEID 410. Thus, Relators were entitled to file an Amended Complaint on or before May 13, 2019.

Relators have done so, filing a Second Amended Complaint on May 10, 2019 which adds allegations to address certain arguments raised by Defendants in their Motions to Dismiss. Doc. 53 at PAGEID 426.

Relators' Second Amended Complaint now supersedes Relators' First Amended Complaint as to Defendant LogistiCare and as to certain claims and relief requested against Defendant Mobile Care EMS & Transport, Inc. Defendants' Motions to Dismiss

Relators' First Amended Complaint are therefore nullified and moot. *See* LogistiCare's Motion to Dismiss, Doc. 50 at PAGEID 370 ("a superseded complaint is 'a nullity'") (citation omitted).

Relators respectfully request that this Court deny Defendant LogistiCare's Motion to Dismiss Relators' Amended Complaint (Doc. 50) and the Mobile Care Defendants' Motion to Dismiss Relators' First Amended Complaint (Doc. 52) as moot.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on May 13, 2019, a copy of the foregoing was filed electronically with the Clerk of this Court using the CM/ECF system, which will send notification of such filing to all counsel of record to this action.

s/ Erin M. Campbell